

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN THE MATTER OF:	)	Case No. 17-29016
	)	
John Eric Amos	)	Chapter 7
Debtor	)	
-----	)	Judge A. Benjamin Goldgar
Joseph E. Cohen, Not individually but	)	
as the duly assigned Chapter 7 Trustee,	)	
Plaintiff,	)	
v.	)	
	)	Adversary No. 19 A _____
Miami University Foundation & Miami	)	
University,	)	
	)	
Defendants.	)	

**COMPLAINT TO AVOID FRAUDULENT TRANSFER**

Now comes Plaintiff Joseph E. Cohen, not individually but as the duly appointed Chapter 7 trustee ("Trustee" and "Plaintiff") in the matter of John Eric Amos ("Debtor"), by and through his attorneys Joseph E. Cohen and Gina B. Krol of Cohen & Krol, complaining of Defendant Miami University Foundation & Miami University, ("Defendant"), for his Complaint to Avoid Fraudulent Transfer pursuant to Sections 548 and 550 of the Bankruptcy Code, and in support thereof states as follows:

**JURISDICTION**

1. This Court has jurisdiction over this complaint pursuant to 28 U.S.C. §1334, as the complaint arises out of the Chapter 7 bankruptcy case of John Eric Amos administered under case number 17-29016 and pending before the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division.

2. This complaint is a core proceeding pursuant to 28 U.S.C. §57(b)(2)(A) and (H).

3. Venue for this complaint is proper in the Northern District of Illinois, Eastern Division pursuant to 28 U.S.C. § 1409(a).

4. The Debtor filed for Chapter 7 relief under the United States Bankruptcy Code on September 28, 2017 (the "Petition Date").

5. Joseph E. Cohen is the duly appointed and acting Chapter 7 bankruptcy trustee for the Debtor's Estate.

6. The Trustee has the duty, authority and standing to bring this Complaint pursuant to Section 704 of the Bankruptcy Code.

**COUNT I**  
**AVOIDANCE OF FRAUDULENT TRANSFER - § 548(a)(1)(B)**

7. On or about December 30, 2015, the Debtor transferred \$20,000.00 to Miami University Foundation & Miami University pursuant to Check No. 7652 which cleared the Debtors bank account on January 5, 2016 (the "Transfer"). A copy of Check No. 7652 is attached hereto as **Exhibit A**.

8. Upon information and belief, the transfer was not in the ordinary course of business.

9. The Debtor received less than a reasonable equivalent value in exchange for the Transfer of the Debtor's property to Miami University Foundation & Miami University because the Debtor received nothing in return for this donation.

10. The Debtor was insolvent on the date(s) the Transfer was made or became insolvent as a result of such Transfer.

11. That the Debtor received less than a reasonably equivalent value in exchange for the Transfer of the Debtor's property as described above.

12. The funds transferred were an interest of the Debtor in property.

13. The Transfer should be avoided pursuant to Section 548 of the Bankruptcy Code and should be recovered by the Trustee for the benefit of this Estate and its creditors pursuant to Section 550(a) of the Bankruptcy Code.

14. The Trustee reserves the right to amend this complaint if additional transfers are identified during discovery.

WHEREFORE, Joseph E. Cohen, not individually but as the duly assigned Trustee respectfully requests that this Court avoid the transfer of the payment made to Miami University Foundation & Miami University, as detailed in the attached Exhibit "A" pursuant to §548(a)(1)(B) and §550(a) of the Bankruptcy Code; enter judgment against Defendant Miami University Foundation & Miami University in the amount of \$20,000.00, the value of all avoidable transfers, plus costs, and interest on said judgment from the date of filing of this complaint pursuant to 28 U.S.C. §1961; and grant any further and other relief that this Court deems just and equitable.

Respectfully submitted,

Joseph E. Cohen, Chapter 7 Trustee,  
Plaintiff.

By: Joseph E. Cohen  
One of his Attorneys

JOSEPH E. COHEN  
GINA B. KROL  
COHEN & KROL  
105 West Madison Street  
Suite 1100  
Chicago, IL 60602  
312-368-0300

Trustee's Exhibit "A"

JOHN E. AMOS  
SHERRY L. AMOS  
1181 GAVIN COURT  
LAKE FOREST, IL 60045

2-1/710

7652

DATE

12/30/15

PAY TO THE  
ORDER OF

Miami University / Foundation \$ 20,000<sup>00</sup>  
Twenty thousand <sup>00</sup>/<sub>100</sub>

DOLLARS

CHASE

JPMorgan Chase Bank, N.A.  
www.Chase.com

MEMO

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